

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:
Richard F. Cerrone, Jr.

Debtor

)
)
) Chapter 13
) Case No. 16-40812
)
)
)

MOTION TO AMEND SCHEDULE C

The Debtor, through counsel, hereby moves this Honorable Court for an order to amend Schedule C. In support of this Motion, the Debtor state that an amendment is necessary to clarify the exemptions he is entitled to. Copies of the amended documents are attached hereto.

Respectfully submitted,
Richard F. Cerrone, Jr
By his attorney,

Dated: 6/21/16



Ray Mestre
BBO#: 558221
Community Legal Aid
405 Main Street
Worcester, MA 01608
508-752-3718
rmestre@cla-ma.org

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 21, 2016, I filed the Debtor's Motion to Amend Schedule C via the CM/ECF system, and that this document filed through the ECF system will be sent to the registered participant as identified on the Notice of Filing.

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non-CM/ECF participants:

City of Worcester,
P.O. Box 15602
Worcester, MA 01615-0602

Deutsche Bank National Trust Co, as "Certificate Trustee on Behalf of Bosco, Credit II Trust Series 2010-1
1761 East Street, Andrew Place
Santa Ana, CA 92705

Fannie Mae
3900 Wisconsin Avenue, NW
Washington, DC 20016

Franklin Credit Management Corporation
101 Hudson Street, 25th Floor
Jersey City, NJ 07302

Ocwen Loan Servicing
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409

Webster First Federal Credit Union
P.O. Box 70505
Worcester, MA 01607

Orlans Moran PLLC
P.O. Box 540540
Waltham, MA 02454

Jean Julien
4 Glade Street
Worcester, MA 01610

Signed under the pains and penalties of perjury.


/s/ Ray Mestre
Ray Mestre

Fill in this information to identify your case:

Debtor 1	Richard F Cerrone, Jr.		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS			
Case number (if known)	16-40812-HJB		

☐ Check if this is an amended filing

Official Form 106C

Schedule C: The Property You Claim as Exempt

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

☐ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)

☒ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
4 Glade Steet Worcester, MA 01610 Worcester County Line from <i>Schedule A/B</i> : 1.1	\$220,476.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(1)
2005 Four Winds Express Lite M-28G-SL N/A miles Location: 4 Glade Steet, Worcester MA 01610 Line from <i>Schedule A/B</i> : 3.1	\$6,000.00	<input checked="" type="checkbox"/> \$6,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Old time canoe and electric motor for canoe (10-15 years old bought used) Location: 4 Glade Steet, Worcester MA 01610 Line from <i>Schedule A/B</i> : 4.1	\$700.00	<input checked="" type="checkbox"/> \$700.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Household furnishing Location: 4 Glade Steet, Worcester MA 01610 Line from <i>Schedule A/B</i> : 6.1	\$1,700.00	<input checked="" type="checkbox"/> \$1,700.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
Television set, computer. All over 10 years old Line from <i>Schedule A/B</i> : 7.1	\$300.00	<input checked="" type="checkbox"/> \$300.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)

Debtor 1 **Richard F Cerrone, Jr.**Case number (if known) **16-40812-HJB**

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
Firearm (Mossberg 500 viking) Location: 4 Glade Steet, Worcester MA 01610 Line from Schedule A/B: 10.1	\$200.00	<input checked="" type="checkbox"/> \$64.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Normal clothes Location: 4 Glade Steet, Worcester MA 01610 and person Line from Schedule A/B: 11.1	\$600.00	<input checked="" type="checkbox"/> \$600.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
Jewelry Location: 4 Glade Steet, Worcester MA 01610 and person Line from Schedule A/B: 12.1	\$300.00	<input checked="" type="checkbox"/> \$300.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(4)
Checking: Central One Federal Credit Union P.O. Box 280 Shrewsbury, MA 01545 Line from Schedule A/B: 17.1	\$380.00	<input checked="" type="checkbox"/> \$380.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Savings: Webster First Federal Credit Union 211 Greenwood Street P.O. Box 70505 Worcester, MA 01607 Line from Schedule A/B: 17.2	\$781.00	<input checked="" type="checkbox"/> \$781.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Checking: Webster Five Cents Savings Bank 10 A Street Auburn, MA 01501 Line from Schedule A/B: 17.3	\$3,575.00	<input checked="" type="checkbox"/> \$3,575.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Life insurance Policy (Term Life) Fidelity and Guaranty Life Insurance Company 1001 Fleet Street Baltimore, MD 21202 Beneficiary: Jean M. Julien Line from Schedule A/B: 31.1	\$100,000.00	<input checked="" type="checkbox"/> \$100,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(7)
Burial Plots Worcester County Memorial Park 217 Richards Avenue Paxton, MA 01612 Line from Schedule A/B: 53.1	\$1,600.00	<input checked="" type="checkbox"/> \$1,600.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)

3. Are you claiming a homestead exemption of more than \$160,375?

(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)

☒ No☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?☐ No☐ Yes

Fill in this information to identify your case:

Debtor 1 Richard F Cerrone, Jr.
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS

Case number 16-40812-HJB
(if known)

☐ Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Richard F Cerrone, Jr.
Richard F Cerrone, Jr.
Signature of Debtor 1

X _____
Signature of Debtor 2

Date June 21, 2016

Date _____

Fill in this information to identify your case:

Debtor 1 **Richard F Cerrone, Jr.**
 First Name Middle Name Last Name

Debtor 2
 (Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS

Case number **16-40812-HJB**
 (if known)

☐ Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. Schedule A/B: Property (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from Schedule A/B.....	\$ 220,476.00
1b. Copy line 62, Total personal property, from Schedule A/B.....	\$ 118,047.84
1c. Copy line 63, Total of all property on Schedule A/B.....	\$ 338,523.84

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of Schedule D...	\$ 339,371.46
3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of Schedule E/F.....	\$ 900.00
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of Schedule E/F.....	\$ 0.00
Your total liabilities	\$ 340,271.46

Part 3: Summarize Your Income and Expenses

4. Schedule I: Your Income (Official Form 106I)	
Copy your combined monthly income from line 12 of Schedule I.....	\$ 5,395.00
5. Schedule J: Your Expenses (Official Form 106J)	
Copy your monthly expenses from line 22c of Schedule J.....	\$ 5,005.00

Part 4: Answer These Questions for Administrative and Statistical Records

6. Are you filing for bankruptcy under Chapters 7, 11, or 13?
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. What kind of debt do you have?
- ☒ Your debts are primarily consumer debts. *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ Your debts are not primarily consumer debts. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

Debtor 1 Richard F Cerrone, Jr.Case number (if known) 16-40812-HJB

8. From the *Statement of Your Current Monthly Income*: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 6,791.00

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:

From Part 4 on *Schedule E/F*, copy the following:

Total claim

9a. Domestic support obligations (Copy line 6a.)	\$ <u>0.00</u>
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ <u>900.00</u>
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ <u>0.00</u>
9d. Student loans. (Copy line 6f.)	\$ <u>0.00</u>
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ <u>0.00</u>
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ <u>0.00</u>

9g. Total. Add lines 9a through 9f.

\$ 900.00